

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DANA WILLIAMS,	§
	§ No. 314, 2005
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
JOHN MITCHELL, RICHARD	§ C.A. No. 02C-10-032
DENNIS, ROBERT HAMPTON,	§
DEANNA, BARBARA, MARIA,	§
CLAIRE READER, and LINDA A.	§
BARNETT,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: August 15, 2006

Decided: August 29, 2006

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

**ORDER**

This 29<sup>th</sup> day of August 2006, it appears to the Court that:

(1) The plaintiff-appellant, Dana Williams, filed a pro se notice of appeal from the Superior Court's June 17, 2005 orders, which, first, granted the motion of defendant-appellee Robert Hampton to vacate the entry of default judgment against him and, second, granted the motion to dismiss of the remaining defendants-appellees.

(2) On July 26, 2006, the Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing Williams to show cause why his appeal

should not be dismissed based on his failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order.<sup>1</sup> Rather than responding to the notice to show cause, Williams, on August 15, 2006, filed a notice of voluntary dismissal of his appeal.<sup>2</sup>

(3) When a civil action involves multiple claims and multiple parties, a judgment regarding any claim or any party does not become final until the entry of the last judgment that resolves all claims as to all parties unless an interlocutory ruling as to a claim or party is certified pursuant to Superior Court Civil Rule 54(b).<sup>3</sup> Moreover, an order of the Superior Court is final only if it constitutes the court's "final act" in a case.<sup>4</sup> Absent compliance with Supreme Court Rule 42, the appellate jurisdiction of this Court is limited to the review of final orders.<sup>5</sup>

(4) Under the above authorities, the Superior Court's order of dismissal as to all defendants except for Robert Hampton is an interlocutory order, as is the Superior Court's order vacating the default judgment against Robert Hampton. Williams could have sought the entry of a final judgment

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<sup>1</sup> It is undisputed that Robert Hampton remains as a defendant in the Superior Court case.

<sup>2</sup> Because the defendants already responded to Williams' opening brief and did not stipulate to a dismissal, Williams may not voluntarily dismiss his appeal. Supr. Ct. R. 29(a).

<sup>3</sup> *Harrison v. Ramunno*, 730 A.2d 653, 654 (Del. 1999).

<sup>4</sup> *J.I. Kislak Mortgage Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973).

<sup>5</sup> *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).

with respect to the defendants dismissed by the Superior Court pursuant to Superior Court Civil Rule 54(b), but he did not do so. Nor did he attempt to comply with Supreme Court Rule 42 when appealing from the Superior Court's interlocutory order vacating the default judgment against Robert Hampton. Accordingly, this appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED that this interlocutory appeal is DISMISSED.

BY THE COURT:

/s/Henry duPont Ridgely  
Justice